

# ORDINANCE--Continued.

## Street Commissioner.

Sec. 12. The road supervisor, whose appointment is provided for in Section 26, of chapter 88, of the act of the legislature assembly of 1891, shall be street commissioner of the town of Cerrillos, his duties shall be as prescribed by law for road supervisors and street commissioners and as shall be directed from time to time by the board of trustees.

Sec. 13. The several town officers and appointees shall do and perform all such other duties and render such other services, not specifically defined by ordinance, as may be required of them by the board of trustees.

Approved: W. E. Dame,  
Seal. Chairman Board of  
Trustees, Town of Cerrillos.  
Attest: C. A. Whited, Clerk.

## CHAPTER III.

### POLICE JUDGE AND MARSHAL.

Be it ordained by the Board of Trustees of the Town of Cerrillos.

Sec. 1. The police judge shall have sole and exclusive jurisdiction of all violations of any Town ordinance or regulation. He shall keep a docket in which he shall enter a true record of all actions brought before him.

Sec. 2. The police judge shall before proceeding to try any person for the violation of any ordinance or regulation of the Town, cause complaint to be made and a warrant to be issued to arrest such person, and a return to be made upon said warrant.

Sec. 3. All cases tried before the police judge shall be docketed in the name of the Town of Cerrillos against the defendant and the judge shall enter upon his docket in a plain and intelligible manner a minute of each step taken in each case and an itemized statement of all costs and fines imposed and collected by him.

Sec. 4. Judgement of guilty or not of the offense charged shall be entered in each and every case, and by said judgement defendant shall be discharged, fined, imprisoned, or fined and imprisoned as the case may be; and when defendant is found guilty the costs of such case shall be assessed against him, and no costs shall be taxed otherwise, and all judgements imposing a fine, except where a fine and imprisonment are both imposed, shall be in the alternative of imprisonment for a specified number of days or until such fine and costs are paid.

Sec. 5. Whenever judgement of guilty is entered in any case, the police judge shall issue a commitment against the person of the defendant commanding the town marshal in default of the immediate payment of such fine and costs as may have been assessed, to commit the defendant to the town jail subject to labor, and in case where the judgement is that the defendant be imprisoned, that he commit the defendant to the town jail, subject to labor, in accordance with the terms of said judgement and the ordinances of said town.

Sec. 6. Whenever in accordance with the laws of the territory of New Mexico a defendant in any case may be entitled to an appeal, the same shall be allowed in accordance therewith by filing a bond with two sufficient sureties, in double the amount of the highest pecuniary penalty that could or might be assessed in the case. Provided, that said appeal shall not operate as a supersedeas in such case until such bond shall have been given and approved, and no costs shall be demanded as a condition of such appeal, nor the approval of the said appeal bond.

Sec. 7. In each case tried before the the police judge of the said town of Cerrillos said police judge may tax as costs for himself and marshal the same fees as shall be authorized by law to be taxed for similar services in favor of justices of the peace and constables.

Sec. 8. All costs and fines shall be collected by the marshal of the

town who shall pay the fines collected by him to the city treasurer at least once a week, and shall pay any costs coming into his hands belonging to the police judge to the police judge and return the execution or commitment for the collection of the said fine and cost satisfied, and in all cases it shall be the duty of said police judge to issue such execution or commitment and endorse on such execution or commitment an itemized statement of costs, and it shall be the duty of marshal to make a weekly report to said board of trustees, of all arrests made and cases tried for the violation of city ordinances, of the disposition of the same and the fines collected and uncollected.

Sec. 9. The marshal shall receive such salary as the board of trustees shall by ordinance fix, the amount of which salary shall be paid to him in warrants drawn upon the police fund, hereinafter provided for, in such manner as to be equivalent to cash for the face value of said warrants.

Sec. 10. All moneys arising from said fines and from licenses paid into the treasury of said town shall constitute and be a police fund in said treasury, out of which all salaries shall be first paid, and in the event of a surplus of said police fund above what may be necessary to pay said salaries, said board of trustees may by resolution direct said surplus to be passed to general fund or other wise appropriated.

Approved: W. E. Dame,  
Seal. Chairman Board of  
Trustees, Town of Cerrillos.  
Attest: C. A. Whited, Clerk.

## CHAPTER IV.

Be it ordained by the Board of Trustees of the Town of Cerrillos.

SECTION 1. That no dog, bitch, or whelp, shall be allowed to run at large within the limits of this town, until the owner or keeper of such dog, bitch, or whelp, shall have paid the town clerk the sum of one dollar for each dog, or whelp, and the sum of three dollars for each bitch owned or kept by such person, and shall also place around the neck of such dog, bitch, or whelp, a collar made of durable material.

SEC. 2. It is hereby made the duty of all persons owning or keeping any dog, bitch, or whelp, to apply to the town clerk, and make payment to him each year, as provided in section one of this ordinance. And it shall be the duty of such town clerk to issue a tag to such owner or keeper, with the license number thereon, which tag shall by the owner or keeper be attached to and worn on the collar here provided for; and the clerk shall keep a full record of such license.

SEC. 3. The town marshal, is hereby authorized and required, to kill and destroy any dog, bitch, or whelp, found running at large within the limits of this town, unless such dog, bitch, or whelp, is duly licensed as provided for in this ordinance.

SEC. 4. This ordinance shall be in force and effect on and after October first, A. D. 1891.

Approved: W. E. Dame,  
Seal. Chairman Board of Trustees for the Town of Cerrillos, New Mexico.  
Attest: C. A. Whited, Clerk.

## CHAPTER V.—BREACHES OF THE PEACE.

Be it ordained by the Board of Trustees of the Town of Cerrillos.

SEC. 1. That any person who may hereafter be found lurking, lying in wait or concealed in any house or other building, or in any yard or premises within the limits of the Town of Cerrillos, with intent to do any mischief, or to pilfer or to commit any crime or misdemeanor whatever, shall for every such offense, on conviction, be punished by a fine of not less than \$5.00 nor more than fifty dollars, or by imprisonment in the town prison not exceeding ninety days, or by both

such fine and imprisonment, in the discretion of the court.

Sec. 2. Any person who shall aid, countenance or assist in making any riot, disturbance, or who shall fight in any public place in the said Town or who shall be guilty of any indecent, or immoral or insulting conduct, language or behavior, in the streets, or elsewhere in said Town, or who may remain prostrate in the streets or other public places in said Town, and all persons who shall collect in bodies or crowds in said Town for unlawful purposes, or to the annoyance or disturbance of the citizens, shall for every such offense be punished by a fine of not less than \$5.00 nor more than fifty dollars, or by imprisonment in the Town prison not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 3. Any person who shall be found drunk within the limits of said Town, shall for every such offense be punished by a fine of not less than \$5.00 nor more than twenty-five dollars, or by imprisonment in the Town prison, not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 4. Any person who shall make any indecent exposure of his person or be guilty of any lewd or indecent behavior in any public place of said Town, shall for every such offense be punished by a fine of not less than \$5.00 nor more than twenty-five dollars, or by imprisonment in the Town prison for a period not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 5. Any person who shall disturb or disquiet any congregation engaged in religious worship, or any lawful assemblage of the people within the Town, by making a noise, or by rude or indecent behavior within such meeting, or so near the same as to disturb the order or solemnity thereof, shall for every such offense be punished by a fine not exceeding twenty-five dollars, or by imprisonment in the Town prison, not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 6. Any person who shall aid or assist any person confined in the Town prison to escape from such confinement, or who shall aid or assist any person in the custody of any officer of the Town to escape from such officer, and any person who shall resist an officer of said Town in the discharge of his duties, shall be punished by a fine of not less than \$10.00 nor more than one hundred dollars, or by imprisonment not exceeding ninety days, in the discretion of the court.

Sec. 7. Every person committed to the Town prison for the violation of any ordinance of the Town of Cerrillos shall be required to work for the Town under the supervision of the marshal, at such labor as his or her strength will permit, within or without such prison not more than ten hours each working day; and for such work the person so employed shall be allowed, exclusive of his or her board, One dollar per day for each day's work, to be applied toward the payment of the fine and costs adjudged by the committing magistrate.

Sec. 8. All persons committed to jail shall be immediately searched and all articles of value, or weapons, shall be turned over to the marshal, together with the name of the person to whom they belong, so that proper disposition can be made of the same.

Approved: W. E. Dame,  
Seal. Chairman Board of Trustees for the Town of Cerrillos, New Mexico.  
Attest: C. A. Whited, Clerk.

## CHAPTER VI.—NUISANCES.

Be it ordained by the Board of Trustees of the Town of Cerrillos.

Sec. 1. That if any person shall permit or suffer any ground, building or other premises within the Town of Cerrillos, owned or occupied by him, or of which he shall be the agent, having charge of the

same, to become or be offensive, nauseous, hurtful or dangerous to the neighborhood or travelers, by reason of stagnant water, dead animal or from any other cause or causes, he shall be punished as hereinafter provided.

Sec. 2. If any person shall suffer any animal belonging to him or in his charge, which may die of disease or otherwise, to be in or upon any street, alley or other grounds or place within the Town; public or private, for the space of twenty-four hours after the same shall have died, he shall be punished as hereinafter provided.

Sec. 3. If any person shall allow to flow from any house, shop, factory, stable, slaughter house or place any foul or nauseous liquor or substance of any kind whatsoever into or upon any adjacent ground or lot or into any street, alley or ditch in the Town so as to be offensive, nauseous, hurtful or dangerous; and any person who shall deposit in any such place any filth, litter or refuse or any carcass or thing so as to be offensive, nauseous, hurtful or dangerous to any portion of the inhabitants of said Town, he shall be punished as hereinafter provided.

Sec. 4. Any person offending against any of the foregoing provisions of this chapter, shall be punished for each offense by a fine of not less than five dollars, nor more than fifty dollars, or by imprisonment in the Town prison, for a term of not less than five days nor more than sixty days or by both such fine and imprisonment in the discretion of the court.

Approved: W. E. Dame,  
Seal. Chairman Board of Trustees for the Town of Cerrillos, New Mexico.  
Attest: C. A. Whited, Clerk.

## CHAPTER VII.—DEADLY WEAPONS.

Be it ordained by the Board of Trustees of the Town of Cerrillos.

Sec. 1. That it shall be unlawful for any person to carry a deadly weapon, either concealed or unconcealed within the limits of the Town of Cerrillos, unless the same

be carried in lawful defense of himself, his family or his property, the same being at the time threatened with danger, or unless by order of legal authority, or unless such person be a regular authorized officer of the law in the discharge of his official duties.

Sec. 2. Deadly weapons, within the meaning of the preceding section, shall be construed to mean any and all kinds and classes of pistols and revolvers, slung shots, loaded or sword canes or sand-bags and all kinds and classes of weapons, and instruments, by whatever name they may be called, by which a dangerous wound can be inflicted.

Sec. 3. Any person convicted of a violation of section one or two of this chapter, shall be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the Town prison for a period of not less than ten days nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 4. Any person who shall be found guilty of discharging any fire-arm within 300 yards of any habitation in the said Town of Cerrillos shall be fined on, conviction thereof, not less than five dollars nor more than Twenty-five dollars, unless the same shall be in defense of himself, his family, or property.

Approved: W. E. Dame,  
Seal. Chairman Board of Trustees for the Town of Cerrillos, New Mexico.  
Attest: C. A. Whited, Clerk.

A. L. Kendall,  
Notary Public.

— AND —

Justice of the Peace.

All notary work given prompt attention and careful execution.

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